

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

POLYFORM, A.G.P. INC., a)	
Quebec, Canada, corporation;)	
PLASTIQUES CELLULAIRES)	
POLYFORM, INC., a Quebec)	
Canada, corporation; and)	
NUDURA CORPORATION, an)	
Ontario, Canada, corporation,)	
)	
Plaintiffs,)	8:07CV397
)	
v.)	
)	
AIRLITE PLASTICS CO., a)	ORDER
Nebraska corporation,)	
)	
Defendant.)	
)	

This matter comes before the Court on defendant Airlite Plastics Company's ("Airlite") motion for leave to file a supplemental expert report (Filing No. [259](#)), Airlite's emergency motion for continuance of the trial date and amendment of the Pretrial Order (Filing No. [263](#)), and Polyform's opposition to the motion to continue and amendment of the pretrial order (Filing No. [266](#)). Airlite's motion for leave to file a supplemental expert report will be denied, Airlite's motion to continue the trial date will be denied, and Airlite's motion for leave to amend the Pretrial Order will be granted. Polyform's opposition to those motions will be denied as moot.

Initially, trial of this case was scheduled to commence on October 27, 2008, and the Second Amended Final Progression Order mandated that all expert discovery be completed on or

before September 5, 2008. On October 22, 2008, Airlite moved for an unopposed emergency continuance of the trial (Filing No. [249](#)). Airlite's October 22nd motion stated that the parties had agreed to certain conditions, including the condition that neither party would proffer or disclose any additional expert opinions if the motion were granted. The Court granted a continuance and adopted the conditions set forth in Airlite's motion (Filing No. [252](#)). Trial was rescheduled for February 23, 2009.

Pursuant to the Second Amended Final Progression Order, the conditions agreed to by Airlite in its October 22nd motion, and the conditions set forth in the Court's October 22nd order, Airlite's motion for leave to file a supplemental expert report will be denied. Further, Airlite's motion for a second continuance of the trial will be denied. The Court will grant Airlite leave to amend the Pretrial Order to name Robert Martin, Jr. as a lay witness.

IT IS ORDERED:

1) Airlite's motion for leave to file a supplemental expert report is denied.

2) Airlite's emergency motion for a continuance of the trial date is denied.

3) Airlite's motion for leave to amend the Pretrial Order to name Robert Martin, Jr. as a lay witness is granted.

4) Polyform's opposition to Airlite's emergency motion for continuance of the trial date and amendment of the pretrial order is denied as moot.

DATED this 30th day of January, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court